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**In the Matter of**

**MUR 6847**

## 'Friends of Bob Johnson

and Edward L. Shapoff as treasurer

Carolyn Blohm

## DISMISSAL AND

## CASE CLOSURE UNDER THE

ENFORCEMENT PRIORITY

## SYSTEM

**Under the Enforcement Priority System, the Commission uses formal scoring criteria as a**

basis to allocate its resources and decide which matters to pursue. These criteria include, without

limitation, an assessment of the following factors: (1) the gravity of the alleged violation, taking

into account both the type of activity and the amount in violation; (2) the apparent impact the

alleged violation may have had on the electoral process; (3) the complexity of the legal issues

raised in the matter; and (4) recent trends in potential violations of the Federal Election

Campaign Act of 1971, as amended (the “Act”), and developments of the law.<sup>1</sup> It is the

**Commission's policy that pursuing relatively low-rated matters on the Enforcement docket**

warrants the exercise of its prosecutorial discretion to dismiss cases under certain circumstances.

The Office of General Counsel has scored MUR 6847 as a low-rated matter and determined that

it should not be referred to the Alternative Dispute Resolution Office.<sup>2</sup> For the reasons set forth

below, the Office of General Counsel recommends that the Commission dismiss the allegations

that Respondents violated the Act or Commission regulations in MUR 6847.

On September 1, 2014, the Federal Election Campaign Act of 1971, as amended (the "Act"), was transferred from Title 2 of the United States Code to new Title 52 of the United States Code.

<sup>2</sup> The EPS rating information is as follows: Complaint Filed: June 25, 2014. Response from Friends of Bob Johnson Filed July 30, 2014. Response from Carolyn Blohm Filed July 14, 2014.

1 The Complainant in this matter, Donald J. Tuten, alleges that Friends of Bob Johnson<sup>3</sup>  
2 and Edward L. Shapoff in his official capacity as treasurer (the "Committee") accepted excessive  
3 contributions and failed to disclose occupation and employer information in violation of the Act  
4 and Commission regulations. Compl. at 1. Specifically, the Complainant alleges that, "[b]ased  
5 on FEC reports," the Committee accepted an excessive contribution in the amount of \$250 from  
6 one individual, Carolyn Blohm, for the 2014 primary election. *Id.* at 2. Complainant asserts that  
7 Carolyn Blohm contributed \$1,000 to the Committee on June 28, 2013, \$1,500 on December 28,  
8 2013, and \$250 on April 29, 2014, and that all of the contributions were attributed to the May 20,  
9 2014 primary election. *Id.*

10 In response, the Committee acknowledged that it inadvertently attributed a \$250  
11 contribution from Dr. Patrick Blohm to his spouse, Carolyn Blohm. Committee Resp. at 1. The  
12 Committee states that in April 2014, Patrick Blohm attended a Committee fundraiser and  
13 provided a \$250 check, "[intending] for the contribution to be from Dr. [Patrick] Blohm." *Id.*  
14 The Committee states that both Patrick and Carolyn Blohm's names appeared on the check, and  
15 that the Committee "mistakenly attributed the contribution to Carolyn Blohm because she signed  
16 the check." *Id.* The Committee contends that it was unaware of the apparent excessive  
17 contribution until the Complaint was filed, and that the lapse was due to the transition to a new  
18 software program. *Id.* at 2. The Committee states that it has since refunded the contribution. *Id.*

19 Carolyn Blohm responded that she contributed a total of \$2,500 to the Committee for the  
20 2014 primary election, and that the Committee "errantly attributed" an additional \$250 to her,  
21 when it was intended "only to cover [her husband's] contribution to Dr. Johnson." Carolyn

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<sup>3</sup> Robert Eugene Johnson, M.D. was a 2014 Republican candidate for Georgia's 1st Congressional District. Johnson ran in the Republican primary election held on May 20, 2014; he lost the July 22, 2014 runoff election.

1 Blohm Resp. at 1, 2. Attached to Carolyn Blohm's response is a letter from the Committee  
2 stating that the attribution error was "inadvertent" and that the alleged excessive contribution  
3 would be immediately refunded. *Id.*, Attach.

4 The Committee's filings disclose three contributions from Carolyn Blohm for the 2014  
5 primary election, totaling \$2,750: \$1,000 on June 28, 2013; \$1,500 on December 28, 2013; and  
6 \$250 on April 29, 2014.<sup>4</sup> See Amended 2013 July Quarterly Report, filed on May 4, 2014, at 5;  
7 Amended 2013 Year End Report, filed on May 5, 2014, at 7; and 2014 12 Day Pre-Primary  
8 Report, filed on May 8, 2014, at 5. The Committee also disclosed a \$1,000 contribution from  
9 Carolyn Blohm on May 29, 2014, designated for the 2014 runoff election. See 2014 12 Day Pre-  
10 Runoff Report, filed on July 10, 2014, at 8. The Committee disclosed a \$250 refund to Carolyn  
11 Blohm dated July 14, 2014. See 2014 October Quarterly Report, filed October 15, 2014, at 110.

12 Under the Act and Commission regulations, individuals could contribute up to \$2,600 per  
13 election to a candidate's committee during the 2014 election cycle. 52 U.S.C. § 30116 (formerly  
14 2 U.S.C. § 441a); 11 C.F.R. §§ 110.1(a), 110(b)(1). Given the small amount of the excessive  
15 contribution at issue in this matter, coupled with the fact that it has now been refunded by the  
16 Committee, the Office of General Counsel recommends that the Commission exercise its  
17 prosecutorial discretion and dismiss the allegations as they pertain to the Committee and Carolyn  
18 Blohm, pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985).

19 Complainant also alleges that the Committee failed to provide the occupation and name  
20 of employer of one individual, David Stewart, who reportedly made a \$250 contribution to the  
21 campaign on October 22, 2013. Compl. at 1, 2. The Committee responded that Stewart did not

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<sup>4</sup> The Committee also disclosed a \$500 primary election contribution from Patrick Blohm on October 16, 2013. See Amended 2013 Year End Report, filed on May 5, 2014, at 7.

1 provide the requested occupation and name of employer at the time the contribution was made,  
2 and that the Committee was unsuccessful in its attempt to obtain the missing information.  
3 Committee Resp. at 2. As such, the Committee states it disclosed “unknown-researching” in the  
4 appropriate fields on its next scheduled report. *Id.* The Committee contends that, to the best of  
5 its knowledge, “all solicitation requests made by the Committee contained the ‘best efforts’  
6 request for employer and occupation information.” *Id.* The Committee states that Stewart made  
7 a subsequent contribution to the campaign in May 2014 that included his occupation and  
8 employer information, and that it intends to amend its 2013 Year End Report to include the  
9 missing information. *Id.* To date, the Committee has not amended its 2013 Year End Report to  
10 disclose the missing information.

11 When an individual contributes more than \$200 during an election cycle, but fails to  
12 provide the required recordkeeping information (i.e., name, mailing address, occupation, and  
13 employer), the committee must be able to show that it exercised “best efforts” to obtain,  
14 maintain, and report that information. 52 U.S.C. § 30102(i) (formerly 2 U.S.C. § 432(i));  
15 11 C.F.R. § 104.7(a). If the committee possesses the information in its contributor records for  
16 the same election cycle, then the committee must use that information when disclosing the  
17 contribution. 11 C.F.R. § 104.7(b)(3); *see also* 11 C.F.R. § 104.7(b)(4) (if a committee receives  
18 contributor information after the contribution has been reported, it should either file an amended  
19 memo Schedule A with its next scheduled report, listing the contribution for which additional  
20 information was received, or file on or before the next scheduled report, amendments to the  
21 original reports disclosing the contributions which had missing information).

22 Given the fact that the Committee took steps to initially indicate on its disclosure report  
23 that it was seeking the contributor information and that this issue was limited to one contribution,

1 the Office of General Counsel recommends that the Commission exercise its prosecutorial  
2 discretion and dismiss this allegation pursuant to *Heckler v. Chaney*, 470 U.S. 821 (1985).  
3 Further, the Office of General Counsel recommends that the Commission remind the Committee  
4 to file an amended 2013 Year End Report reflecting the updated contributor information.  
5 Finally, the Office of General Counsel recommends that the Commission approve the attached  
6 Factual & Legal Analyses and the appropriate letters, and close the file.

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**RECOMMENDATIONS**

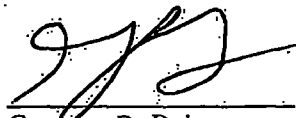
1. Dismiss the allegations that Friends of Bob Johnson and Edward L. Shapoff in his official capacity as treasurer, and Carolyn Blohm violated the Federal Election Campaign Act of 1971, as amended, and Commission regulations;
2. Remind Friends of Bob Johnson and Edward L. Shapoff in his official capacity as treasurer to amend the Committee's 2013 Year End Report to include the missing contributor information, pursuant to the Act and Commission regulations;
3. Approve the attached Factual & Legal Analyses and the appropriate letters; and
4. Close the file.

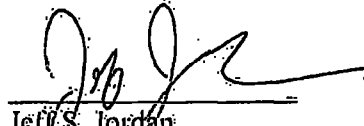
General Counsel

Date

3/30/15

BY:

  
\_\_\_\_\_  
Gregory R. Baker  
Deputy General Counsel

  
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Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination  
& Legal Administration